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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,352	02/13/2004	Hisashi Miyata	1503.69691	7893
7590	09/15/2006			
Patrick G. Burns, Esq. GREER, BURNS & CRAIN, LTD. 300 South Wacker Dr., Suite 2500 Chicago, IL 60606				EXAMINER THAI, HANH B
			ART UNIT 2163	PAPER NUMBER

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/779,352	MIYATA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hanh B. Thai	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 February 2004.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 13 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/18/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

The following is Non-Final Office Action in response to the application filed February 13, 2004.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1- rejected under 35 U.S.C. 103(a) as being unpatentable over McCurdy et al. (US Pub. 2002/0035697 A1) in view of Yamaguchi et al. (US Pub. 2006/0041598 A1).

Regarding claim 1, McCudy discloses a computer program used to direct a computer to obtain a journal as an update result from a source database, and distribute the journal to a destination database, comprising:

- obtaining the journal from the source database (abstract; ¶[0010] and [0105]-[0106], McCurdy discloses retrieving a copy of the requested document file reads on obtaining the journal);
- obtaining transaction identification information for identifying a transaction of updating the source database when the journal is obtained (¶[0010]; [0121]-[0123], McCurdy);
- rearranging the journal according to a count value and the transaction identification information before distributing a journal (¶[0010]; [0123] and [0129], McCurdy); and

- distributing the rearranged journal to the destination database for each transaction of updating the source database according to the transaction identification information (¶[0010]; [0083] McCurdy discloses providing or sending a copy of requested document to the client).

McCurdy does not disclose counting a number of times the source database is updated. Yamaguchi discloses a method and system of database management for replica database including counting the replica or updated database (see ¶[0082], Yamaguchi). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify McCurdy to include the claimed feature as taught by Yamaguchi. The motivation of doing so would have been to efficiently manage large-volume database transactions (see ¶[0002], Yamaguchi).

Regarding claim 2, McCurdy/Yamaguchi combination discloses that associating the count value with the transaction identification information obtained when the count value is obtained, and storing the count value and the transaction identification information in a journal management information storage unit; associating the journal with the transaction identification information obtained when the journal is obtained, and storing the journal and the transaction identification information in a journal storage unit; at a predetermined timing, obtaining transaction identification information associated with a smallest count value from the journal management information storage unit; and selecting a journal corresponding to the transaction identification information obtained from the journal management information storage unit in journals stored in the journal storage unit as a journal to be distributed (¶[0082]; Fig.11; Fig.14 and corresponding text, Yamaguchi).

Regarding claim 3, McCurdy discloses a journal obtaining-distributing method for use by a computer obtaining a journal as a update result from a source database, and distributing the journal to a destination database, comprising:

- obtaining the journal from the source database (abstract; ¶[0010] and [0105]-[0106], McCurdy discloses retrieving a copy of the requested document file reads on obtaining the journal);
- obtaining transaction identification information for identifying a transaction of updating the source database when the journal is obtained (¶[0010]; [0121]-[0123], McCurdy);
- rearranging the journal according to a count value and the transaction identification information before distributing a journal (¶[0010]; [0123] and [0129], McCurdy); and
- distributing the rearranged journal to the destination database for each transaction of updating the source database according to the transaction identification information (¶[0010]; [0083] McCurdy discloses providing or sending a copy of requested document to the client).

McCurdy does not disclose counting a number of times the source database is updated.

Yamaguchi discloses a method and system of database management for replica database including counting the replica or updated database (see ¶[0082], Yamaguchi). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify McCurdy to include the claimed feature as taught by Yamaguchi. The

motivation of doing so would have been to efficiently manage large-volume database transactions (see ¶[0002], Yamaguchi).

Regarding claim 4, McCurdy/Yamaguchi combination discloses that associating the count value with the transaction identification information obtained when the count value is obtained, and storing the count value and the transaction identification information in a journal management information storage unit; associating the journal with the transaction identification information obtained when the journal is obtained, and storing the journal and the transaction identification information in a journal storage unit; at a predetermined timing, obtaining transaction identification information associated with a smallest count value from the journal management information storage unit; and selecting a journal corresponding to the transaction identification information obtained from the journal management information storage unit in journals stored in the journal storage unit as a journal to be distributed (¶[0082]; Fig.11; Fig.14 and corresponding text, Yamaguchi).

Regarding claim 5, McCurdy discloses a journal obtaining-distributing apparatus which obtains a journal as an update result from a source database, and distributes the journal to a destination database, comprising:

- a journal obtaining unit obtaining the journal from the source database (abstract; ¶[0010] and [0105]-[0106], McCurdy discloses retrieving a copy of the requested document file reads on obtaining the journal);
- an identification information acquisition unit obtaining transaction identification information for identifying a transaction of updating the source database when the journal is obtained (¶[0010]; [0121]-[0123], McCurdy);

- a journal rearrangement unit rearranging the journal according to the count value and the transaction identification information before distributing a journal (¶[0010]; [0123] and [0129], McCurdy); and
- a journal distribution unit distributing the obtained journal to the destination database for each transaction of updating the source database (¶[0010]; [0083] McCurdy discloses providing or sending a copy of requested document to the client).

McCurdy does not disclose counting a number of times the source database is updated. Yamaguchi discloses a method and system of database management for replica database including counting the replica or updated database (see ¶[0082], Yamaguchi). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify McCurdy to include the claimed feature as taught by Yamaguchi. The motivation of doing so would have been to efficiently manage large-volume database transactions (see ¶[0002], Yamaguchi).

### *Conclusion*

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  1. Chao et al. (US 6,338,092 B1) discloses method, system and computer program for replicating data in a distributed computed environment.
  2. Cook (US 6,668,262 B1) discloses methods and apparatus for modifying a database.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B. Thai whose telephone number is 571-272-4029. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hanh B Thai  
Examiner  
Art Unit 2163

September 1, 2006



DON WONG  
SUPERVISORY PATENT EXAMINER  
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